IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 7101 of 2007(U)

PETITIONER:

SRI KUMARA MALLANCHIRA VISWAKARMA SAMAJAM,ATTAPADAM KHANNA NAGAR(P.O.), KORATTY,THRISSUR REP. BY ITS SECRETARY K.V.NARAYANAN,S/O VELAYUDHAN.

BY ADV. SRI.C.K.ABDUL RAHIM
SRI.P.V.KURIACHAN

RESPONDENTS:
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1. THE DISTRICT SUPERINTENDENT OF POLICE, THRISSUR.

2. THE CIRCLE INSPECTOR OF POLICE, CHALAKUDY.

3. THE SUB INSPECTOR OF POLICE, KORATTY.

4. ASHOKAN, S/O AYINIKADAN MANI, ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLAGE, KHANNA NAGAR(P.O, KORATTY.

5. SIVAN, S/O AYINIKADAN MANI, ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLAGE, KHANNA NAGAR(P.O.), KORATTY.

6. SADANANDAN, S/O AYINIKANDAN MANI, ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLAGE, KHANNA NAGAR(P.O.), KORATTY.

7. SUNDARAN, S/O KUZHUPPILLY KUMARAN,
ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLAGE,
KHANNA NAGAR(P.O.), KORATTY.

8. MOHANAN, S/O AYINIKADAN KONDAN,
ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLAGE,
KHANNA NAGAR(P.O.), KORATTY.

9. RAJEEV, S/O AYINIKADAN MOHANAN,
ATTAPADAM DESOM, MURINGOOR THEKKUMMURI VILLGE,
KHANNA NAGAR(P.O.), KORATTY.

10. CHANDRAN,S/O.KUZHIPPILLY KUMARAN,
ATTAPADAM DESOM,MURINGOOR THEKKUMMURI
VILLAGE, KHANNA NAGAR (P.O.) KORATTY.

11. KUTTAPPAN,S/O.AYINIKADAN RAVUNNI,
ATTAPADAM DESOM, MURINGOOR THEKKUMMURI
VILLAGE, KHANNA NAGAR (P.O.), KORATTY.

ADDL.R12 TO R14:

12. THE DISTRICT COLLECTOR, THRISSUR, AYYANTHOLE (P.O.),
THRISSUR.

13. THE DISTRICT OFFICER, MINING AND GEOLOGY DEPT.
THRISSUR DISTRICT, THRISSUR.

14. THE DIVISIONAL RAILWAY MANAGER, SOUTHERN RAILWAY,
RAIL BHAVAN, THIRUVANANTHAPURAM.

ADDL.R12 TO R14 ARE IMPLEADED AS PER ORDER DATED
19.3.2007 IN I.A.NO.4176/2007

ADDL.R15:

15. THE KORATTY GRAMA PANCHAYATH,REP. BY ITS
SECRETARY, KHANNA NAGAR (P.O.), THRISSUR DISTRICT.

ADDL.R15 IS IMPLEADED AS PER ORDER DATED
21.3.2007 IN I.A.NO.4415/2007.

BY ADV. SRI.K.G.BALASUBRAMANIAN FOR R6
SRI.ALEXANDER THOMAS, SC,RAILWAYS
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).7101/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE BASIC TAX RECEIPT ISSUED FROM THE VILLAGE OFFICER.

EXT.P2: COPY OF THE POSSESSION CERTIFICATE ISSUED FROM THE VILLAGE OFFICER.

EXT.P3: COPY OF THE ELEVATION PLAN OF THE PROPOSED TEMPLE COMPLEX.

EXT.P4: COPY OF THE NOTICE PUBLISHED TO THE PROGRAMME ARRANGED WITH THE PRATHISTA FESTIVAL.

EXT.P5: COPY OF THE ORDER OF INTERIM INJUNCTION GRANTED IN I.A.198/07 IN O.S.43/07, ON 25.1.2007.

EXT.P6: COPY OF THE PERMIT ISSUED ON 15.1.2007.

EXT.P7: COPY OF THE COMPLAINT SUBMTTED TO THE 3RD RESPONDENT.

EXT.P8: COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT.

EXT.P9: COPY OF THE POSTAL ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF EXT.P8 BY THE 1ST RESPONDENT.

EXT.P10: COPY OF THE REQUEST SUBMITTED BY THE RESPONDENTS 5,6 AND 8 ALONG WITH 2 OTHERS RECEIVED ON 10.7.2005 TO THE PETITIONER.

EXT.P11: COPY OF THE DECISION TAKEN BY THE COMMITTEE ON 13.8.2006.

/TRUE COPY/

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.7101 of 2007 - U

Dated this the 21st day of March, 2007

Judgment

Koshy, J.

This is a petition for police protection. According to the petitioner, petitioner Samajam owns 3 acres 5 cents of land in which a temple and an aided school is situated. The temple is under reconstruction and construction work is almost in the finishing stage. They want to develop the temple land. According to the petitioner, respondents 4 to 11 who are nearby residents are causing obstruction for developing the property as they wanted to get a new pathway through the temple property and petitioner obtained a temporary injunction. When JCB was brought for cutting laterite stones, that was obstructed by the respondents and, therefore, they want police protection. It is only stated in the injunction order that the existing boundary wall of the plaint schedule property should not be demolished and new pathway shall not be cut. According to the contesting respondents, there is already a pathway in the property of the petitioner. Injunction is only against making a

new pathway. If that be so, the matter has to be resolved through a civil court and we cannot make any finding in this issue which is to be resolved in the pending civil case. Further clarification has to be obtained from the civil court. According to the counsel fr the railway, if any construction or excavation works are conducted within ten metres of the railway line, petitioner also has to obtain permission from the railway authorities.

Therefore, the writ petition is disposed of with the above observations.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.7101/2007-U

Judgment

Dated:21st March, 2007